



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1995

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR95-1452

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31543.

The City of Garland has received a request for "any criminal history and/or information in your possession which references Kristopher Neil Barnhill." The city has submitted a particular police incident report to this office and claims that it is responsive to the request even though it contains no reference to Kristopher Neil Barnhill. The city also claims that the incident report is protected from required public disclosure by section 552.101 of the Government Code in conjunction with section 51.14 of the Family Code.

Section 552.101 of the Government Code incorporates, as a statutory source of confidentiality, section 51.14(d) of the Family Code. Section 51.14(d)¹ provides in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure,
and except for files and records relating to a charge for which a child
is transferred under Section 54.02 of this code to a criminal court for

¹The 74th Legislature repealed section 51.14, Family Code. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. That repeal, however, is not effective until January 1, 1996. *Id.* § 105, 1995 Tex. Sess. Law Serv. at 2590. A requestor's right to information held by a governmental body must be determined as of the time the request was made. Open Records Decision No. 530 (1989) at 5.

prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

In Open Records Decision No. 181 (1977) at 2, this office held that section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. While, as indicated above, this police incident report does not identify the juvenile by name, other information in the report may furnish a basis for identification. None of the exceptions apply here. Therefore, this report is confidential under section 51.14(d) of the Family Code and you must not release it.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/PIR/ch

Ref.: ID# 31543

Enclosure: Submitted document

cc: Mr. Bill Barnhill
2709 Charon Court
Grand Prairie, Texas 75051
(w/o enclosure)